

NEBRASKA REAL ESTATE COMMISSION

November 19, 2020

Staybridge Suites

Staybridge Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on November 19, 2020, in the Lincoln Room of the Country Inn & Suites, located at 5353 N 27th Street in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Commissioner Bourne, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Education Alane Roubal, Deputy Director for Enforcement Antwan Montague, and Deputy Director for Licensing Monica Rut. Adam Prochaska, Special Assistant Attorney General and Counsel to the Commission, was present for the Milford Hearing.

Swearing-In Ceremony- Commissioner Douglas Dohse

Chairperson Evnen conducted a swearing-in ceremony for recently appointed Commissioner Douglas Dohse, presented him with his Commission pin, and welcomed him to the Commission.

Notice of Meeting (Adopt Agenda)

Director Lemon presented a public notice thereof relating to this meeting, which is attached to and made a part of these minutes. Chairperson Evnen reported that all Commissioners had been notified of the meeting simultaneously, by mail and e-mail, and that a proposed tentative agenda accompanied the notification.

Chairperson Evnen pointed out to those in attendance that a public copy of the materials being used during the meeting were available on the counsel table in the meeting room; that a copy of the Open Meetings Act was posted on the easel located in the southwest corner of the meeting room by the west entrance; and that the procedures followed were in accordance with the Open Meetings Act. Chairperson Evnen asked that guests sign the guest list.

Chairperson Evnen spoke about his intent to run the meeting efficiently and move through the meeting as quickly as possible. He also wanted to remind everyone to keep their mask on to be safe and keep others safe.

Director Lemon noted that agenda item 16 had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Titus and seconded by Ritter to adopt the final agenda as presented. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Bourne not participating or voting, being absent and excused.

Minutes of October 14, 2020

The minutes of the Commission meeting held on October 14, 2020, were considered.

After review, a motion was made by Ritter and seconded by Starman to approve the minutes as presented. Motion carried with Gehrki, Ritter, Starman, and Titus voting aye, with Bourne not participating or voting, being absent and excused and with Dohse and Evnen not voting having not been in attendance at the October Meeting.

Public Comment

Chairperson Evnen asked the members of the audience if anyone wished to come forward to provide public comment on Commission related business. No audience member indicated a desire to come forward.

Receipts and Expenditures Report for October

Director Lemon presented the Receipts and Expenditures Report for October. A copy of said report is attached to and made a part of these minutes. Director Lemon noted that an explanation page was included on the report.

The cash fund balance as of October 31, 2020, was \$1,270,866.93, which compared to a cash fund balance of \$1,394,804.84 on October 31, 2019.

After discussion, a motion was made by Gehrki and seconded by Ritter to file the October Receipts and Expenditures Report for audit. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

Specialized Registrations

There were no specialized registrations to be presented at the meeting.

Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report

Deputy Director Rut presented for ratification the Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Titus and seconded by Gehrki to ratify issuance of the licenses as set forth in the report. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Bourne not participating or voting, being absent and excused.

Examination Report - October

Deputy Director Roubal presented for ratification the October Examination Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Titus and seconded by Ritter to ratify the October Examination Report for the purpose of issuing licenses. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Bourne not participating or voting, being absent and excused.

Examination Passing Roster

Deputy Director Roubal presented the Examination Passing Roster, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

Real Estate Education Matters

Pre-License Education Course Approval

Deputy Director Roubal presented for ratification the Pre-License Education Course Approval Report, a copy of which is attached to and made a part of these minutes.

Post-License Education Course Approval

Deputy Director Roubal presented for ratification the Pre-License Education Course Approval Report, a copy of which is attached to and made a part of these minutes.

Continuing Education Provider/Activity Approval

Deputy Director Roubal presented for ratification the Continuing Education Provider/Activity Approval Report, a copy of which is attached to and made a part of these minutes.

Continuing Education Activity Approval

Deputy Director Roubal presented for ratification the Continuing Education Activity Approval Report, a copy of which is attached to and made a part of these minutes.

Continuing Education Instructor Approval

Deputy Director Roubal presented for ratification the Continuing Education Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

Continuing Education Activity Significant Change

Deputy Director Roubal presented for ratification the Continuing Education Activity Significant Change Report, a copy of which is attached to and made a part of these minutes.

Commission-Approved Training Activity Recognition

Deputy Director Roubal presented a Commission-Approved Training Recognition Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Gehrki and seconded by Titus to ratify the seven reports. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Bourne not participating or voting, being absent and excused.

Approved Webinar Platform Continuing Education

Deputy Director Roubal presented information regarding continuing education in a webinar platform, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal reviewed the exhibit which explained the concerns about webinars as currently being provided and reviewed the possibilities for the future course approvals.

Director Lemon reported that many educators are in favor of utilizing a synchronous option. He explained that any additional requirements for synchronous education which may be implemented would likely require a change to the Rules and Regulations. He suggested extending the current status for a period of six months to allow adequate time to review the various options and make amendments to the Rules and Regulations which may be necessary.

Commissioner Dohse indicated that those who live in western Nebraska are provided an option to take the pre-license education courses since the courses are offered on ZOOM and would be in favor of extending it for six months. He noted that a restriction of 25 attendees would be desired if the Commission decides to use the synchronous option in the future.

After review, a motion was made by Ritter and seconded by Gehrki to continue the existing status for a period of six months to allow for review of a proposal to proceed. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Bourne not participating or voting, being absent and excused.

Pending Sworn Complaints and Investigative Matters

Deputy Director Montague presented a summary report of the pending complaints, which included a list of licensees presently under disciplinary action or on appeal. A copy of said report is attached to and made a part of these minutes.

No action was necessary on this report.

The following sworn complaints and investigative matters were presented to the Commission:

Item A Investigative Matter

Deputy Director Montague presented an investigative report to the Commission.

After being advised of the results of the investigation and discussion, a motion was made by Titus and seconded by Starman that the Commission file a complaint on its own motion and set it for hearing on the violations alleged in the report. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

Item B Complaints 2020-027

Deputy Director Montague presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Gehrki and seconded by Ritter that a letter of admonishment be sent the complainants and the respondents per Staff Recommendation. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

Presentation of Stipulation and Consent Orders

Complaint 2019-040 – Brandi Hlavac vs. Marie Milford and Jasmin Jonsson

Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2019-040 – Brandi Hlavac vs. Marie Milford and Jasmin Jonsson. A copy of said Order is attached to and made a part of these minutes.

(Note: It was discovered at the meeting that the Exhibit for this Agenda Item was incorrect. The name listed in the document as “Megan Mckown”, should have been “Brandi Hlavac”. The Exhibit was corrected for attachment to these minutes.)

After discussion, a motion was made by Starman and seconded by Titus to enter into the Order as amended. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

Complaint 2020-022 – Commission vs. Connie Lee Reddish

Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2020-022, Commission vs. Connie Lee Reddish. A copy of said Order is attached to and made a part of these minutes.

Prior to discussion of this matter, Commissioner Dohse recused himself, thereby nullifying any potential conflict of interest.

After discussion, a motion was made by Titus and seconded by Starman to enter into the Order as presented. Motion carried with Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dohse not participating or voting, having recused himself, thereby nullifying any potential conflict of interest, and with Bourne not participating or voting, being absent and excused.

Disciplinary Hearings

Complaint 2019-040 – Brandi Hlavac vs. Karie Milford and Jasmin Jonsson

A Hearing was held on November 19, at 10: 30 a.m., in the matter of Complaint 2019-040, Karie Milford and Jasmin Jonsson. Adam Prochaska, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Karie Milford was present and represented by Counsel Mark LaPuzza of Omaha. Chairperson Evnen noted for the record that the hearing was being held regarding Respondent Milford only, with Respondent

Jonsson's case being handled through a proposed stipulation and consent order, or hearing at a later date if the stipulation is not accepted by the Commission.

Chairperson Evnen noted that in the offered a stipulation for Jonsson and in the final prehearing order in this matter the wrong name had been used, the name of the buyer of the property, and not the seller, complainant Brandi Hlavac. Counsel for both parties acknowledged the error, and it was noted by the Chair that the documents should be read as corrected for purposes of the hearing.

After Opening Statements, Counsels Prochaska and LaPuzza jointly offered thirty-four Exhibits, all of which were received by Chairperson Evnen.

Counsel Prochaska called Brandi Hlavac and Karie Milford as witnesses.

After closing arguments had been presented, Chairperson Evnen declared the Hearing concluded and gathered the original exhibits.

At 12:00 p.m., a motion was made by Gehrki and seconded by Ritter to go into closed session to deliberate matters and to protect the reputation of Ms. Milford. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

At 12:36 p.m., a motion was made by Dohse and seconded by Ritter to reconvene in open session. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

The Commission deliberated on the matters adduced at hearing.

A motion was made by Titus and seconded by Dohse in Complaint 2019-040, that Karie Milford violated Neb. Rev. Stat. §81-885.24(29). Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

Chairperson Evnen opened the past disciplinary action envelope. It showed no prior disciplinary action against the Respondent.

The Commissioners then discussed the penalty to be assessed.

A motion was made by Titus and seconded by Starman in Complaint 2019-040, that Karie Milford should receive a censure plus three hours of additional continuing education to be determined by Staff. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

With the consent of the Respondents, Chairperson Evnen directed Counsel Prochaska to prepare the Order.

Chairperson Evnen notified the Respondent that as a part of the Order in this matter, the Respondent is required, under Nebraska Revised Statutes Section 84-914(1) and Title 305 Nebraska Administrative Code, Chapter 4-007.05, to pay the costs of the appearance fee by the court reporter, and any and all witness fees, including mileage and the cost of serving any witness. The Respondent will be billed by the Commission Office, or the amount may be

specified in the Order, and will have thirty days from receipt of the costs to totally reimburse the Commission.

Chairperson Evnen announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 12:39 p.m.

Informal Special Appearances

Tiffany Mae Pannkuk, Preliminary Informal Special Appearance

Director Lemon presented exhibits which included: correspondence regarding Ms. Pannkuk's preliminary informal special appearance; a letter of explanation from Ms. Pannkuk; Ms. Pannkuk's criminal history report from the Douglas County Sherriff's Office; character reference letters for Ms. Pannkuk; Ms. Pannkuk's preliminary application for individuals with criminal convictions form; and trial court cases from the State of Nebraska on Ms. Pannkuk's cases. A copy of said exhibit is attached to and made a part of these minutes. Ms. Pannkuk was present.

Chairperson Evnen reviewed the procedure for preliminary informal special appearances.

Ms. Pannkuk explained the situations regarding her criminal history.

Ms. Pannkuk distributed, for clarity purposes, a judgement and sentence for an individual which was inadvertently placed on her record. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13a1.

A motion was made by Ritter and seconded by Dohse that the Director prepare an order outlining findings of fact and conclusions of law that the criminal history information presented qualifies the preliminary applicant to be approved for licensure under the Nebraska Real Estate License Act.

After discussion, the pending motion was withdrawn by mover and the second.

After further discussion, Ms. Pannkuk withdrew her preliminary review application.

Ashley C.P. Brown, Preliminary Informal Special Appearance

Director Lemon presented exhibits which included: correspondence regarding Ms. Brown's preliminary informal special appearance; a letter of explanation from Ms. Brown; character reference letters for Ms. Brown; Ms. Brown's preliminary application for individuals with criminal convictions form; and trial court cases from the State of Nebraska on Ms. Brown's cases. A copy of said exhibit is attached to and made a part of these minutes. Ms. Brown was present.

Chairperson Evnen reviewed the procedure for preliminary informal special appearances.

Ms. Brown explained the situations regarding his criminal history.

After discussion, Ms. Brown withdrew her preliminary review application.

Bethany L. Ramold, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Ms. Ramold's special appearance; a letter of explanation from Ms. Ramold; character reference letters for Ms. Ramold; Ms. Ramold's salesperson application form; trial court cases from the State of Nebraska on Ms. Ramold's cases; and Ms. Ramold's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Ms. Ramold was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Ramold explained the situations regarding her criminal history.

After discussion, a motion was made by Ritter and seconded by Gehrki to allow Ms. Ramold to sit for the salesperson examination after making proper application and to have a license issued upon passing.

Commissioner Gehrki offered an amendment that Ms. Ramold must notify any anticipated employing broker of the criminal convictions and the circumstances of the convictions and said broker shall confirm said notification in writing to the Commission prior to the license being placed with said broker. Ms. Ramold must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within five days for a period of two years. The amendment was accepted with the mover.

Motion carried with Dohse, Gehrki, Ritter, and Starman voting aye, with Titus and Evnen voting nay, and with Bourne not participating or voting, being absent and excused.

Broker Qualification Review

November 19 – 9:15 a.m. – Clayton Paul Vanderheider

Director Lemon presented exhibits which included: correspondence regarding Mr. Vanderheider's Broker Hardship Hearing; a letter of explanation from Mr. Vanderheider, character reference letters for Mr. Vanderheider; Mr. Vanderheider's Broker Applicant Hardship application form, and Mr. Vanderheider's Broker's Application. A copy of said exhibit is attached to and made a part of these minutes. Mr. Vanderheider was present.

Chairperson Evnen reviewed the procedure for Broker Qualification Hearings.

Mr. Vanderheider explained the situation regarding the request for the review.

After discussion, a motion was made by Starman and seconded by Gehrki that the Director prepare an order of the Commission that the applicant has not supplied sufficient relevant experience to qualify under the Hardship provision. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Proposed Amendments to Commission Policy and Interpretation Regarding the Use of Unlicensed Persons

Director Lemon presented proposed versions of the proposed revisions to the policy and interpretation. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon reviewed and explained the proposed revisions to the policy and interpretation since LB 808 passed and will be effective in November.

A motion was made by Starman and seconded by Gehrki to approve the changes to the language as shown in proposal one as presented. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

Review and Approval of Travel to ARELLO Leadership Conference

Deputy Director Rut presented an exhibit regarding the estimated costs of Staff participating in ARELLO Leadership meetings in 2021. A copy of said exhibit is attached to and made a part of these minutes.

Deputy Director Rut explained that she and Greg would be eligible to go to the conference if ARELLO decides to have the meeting in person. Director Lemon explained that the request was for approval only, and a final decision on travel would be made based upon an evaluation of circumstances closer to the time of the conference.

After discussion, a motion was made by Gehrki and seconded by Ritter to approve the reimbursement of expenditures for Staff who attend the Leadership Conference as set forth in the exhibit. Motion carried with Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Bourne not participating or voting, being absent and excused.

Information Matters

There were no information matters to be discussed at the meeting.

Future Meeting Dates

January 21-22, 2020– Staybridge Suites, Lincoln
February 18-19, 2020 – Country Inn and Suites, Lincoln
March 18-19 2020 - Country Inn and Suites, Lincoln
April 22-23, 2020 - Country Inn and Suites, Lincoln
May 20-21, 2020 - Country Inn and Suites, Lincoln
June 17-18, 2020 - Country Inn and Suites, Lincoln

Recesses and Adjournment

At 10:23 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:30 a.m.

At 12:40 p.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 12:47 p.m.

At 1:03 p.m., there being no further business to come before the Commission, the Chairperson declared the meeting adjourned.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the November 19, 2020, meeting of the Nebraska Real Estate Commission were available for inspection on November 20, 2020, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Debbie Mitchell, Coldwell Banker REA, Omaha
Perre Neilan, Omaha Area Board of Realtors, Omaha
Leighun Brabec, Larabee School, Lincoln